



भारत का राजपत्र The Gazette of India

CR
27/5/86

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 58] नई दिल्ली, सोमवार, नवम्बर 25, 1985/अग्रहायणा 4, 1907
No. 58 NEW DELHI, MONDAY, NOVEMBER 25, 1985/AGRAHAYANA 4, 1907

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 25th November, 1985:—

BILL No. 187 OF 1985

A Bill further to amend the Aircraft Act, 1934.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Aircraft (Amendment) Act, 1985.

(2) It shall be deemed to have come into force on the 16th day of October, 1985.

Short
title
and
com-
mence-
ment.

2. In the Aircraft Act, 1934, for section 14, the following section shall be substituted, namely:—

Amend-
ment of
Act 22 of
1934.

“14. Any power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication:

Rules
to be
made
after
publi-
cation.

Provided that the Central Government may, in the public interest, by order in writing, dispense with the condition of previous publication in any case.”.

Repeal
and
saving

3. (1) The Aircraft (Amendment) Ordinance, 1985, is hereby repealed.

7 of 1985.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Section 14 of the Aircraft Act, 1934, as originally enacted provided that the power to make rules conferred by the Act "is subject to the condition of the rules being made after previous publication for a period of not less than three months". As a result of this provision, except in cases falling under section 8B of the Act, it was not possible to make rules for the purposes of the Act without previous publication of the same for a period of not less than three months.

2. In connection with the formal investigation into the accident involving the crash of Air India's Boeing 747-237 B Aircraft VT-EFO 'Kanishka' on the 23rd June, 1985 in the North Atlantic sea, the court holding the investigation recommended that the Aircraft Rules, 1937 should be amended without delay to facilitate the holding of some of the proceedings of the court *in camera*. In view of the urgency of the matter and with a view to covering all contingencies in which it may not be practicable to comply with the condition of previous publication for three months, the President promulgated on the 16th October, 1985 the Aircraft (Amendment) Ordinance, 1985 for substituting for section 14 of the Act a new section. The new section retains the condition of previous publication of rules made under the Act without laying down any minimum period of such publication. It also empowers the Central Government to dispense with, in the public interest, the condition of previous publication in any case.

3. The Bill seeks to replace the above Ordinance.

NEW DELHI;

The 18th November, 1985.

BANSI LAL.

BILL NO. 188 OF 1985

A Bill further to amend the Payment of Bonus Act, 1965.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Bonus (Second Amendment) Act, 1985.

(2) It shall be deemed to have come into force on the 7th day of November, 1985.

(3) The amendments made by this Act in the Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act) shall, in relation to a factory or other establishment to which the principal Act applies, have effect and be deemed always to have had effect in respect of the accounting year commencing on any day in the year 1984 and in respect of every subsequent accounting year.

Explanation.—The words and expressions which are used in this sub-section and which are defined in the principal Act shall have the meanings respectively assigned to them in the principal Act.

Short
title,
com-
mence-
ment
and
appli-
cation.

21 of 1965

2. In section 2 of the principal Act, in clause (13), for the words "one thousand and six hundred rupees", the words "two thousand and five hundred rupees" shall be substituted.

Amendment of section 2.

3. In the principal Act, after section 11, the following section shall be inserted, namely:—

Insertion of new section 12.

12. Where the salary or wage of an employee exceeds one thousand and six hundred rupees per mensem, the bonus payable to such employee under section 10 or, as the case may be, under section 11, shall be calculated as if his salary or wage were one thousand and six hundred rupees per mensem."

Calculation of bonus with respect to certain employees.

6 of 1985.

8 of 1985.

4. (1) The Payment of Bonus (Amendment) Ordinance, 1985 and the Payment of Bonus (Second Amendment) Ordinance, 1985 are hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinances, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Payment of Bonus Act, 1965, as originally enacted in 1965, provided for payment of bonus to persons employed in any industry to do any skilled or unskilled manual, supervisory, managerial, administrative, technical or clerical work for hire or reward and drawing salary or wages not exceeding Rs. 1600 per mensem. Section 12 of the Act, as originally enacted, however, provided that where the salary or wage of an employee exceeded Rs. 750 per mensem, the bonus payable to him shall be calculated as if his salary or wage were Rs. 750 per mensem. This section was omitted by the Payment of Bonus (Amendment) Act, 1985, with a view to securing the computation of bonus payable under the Act in the case of employees drawing salary or wages exceeding Rs. 750 per mensem on the basis of the salary or wage actually drawn by them. After the enactment of this Amendment Act, there have been demands that, having regard to the periodic revision of wages of employees and other relevant circumstances, the omission of section 12 of the Act should be made applicable with respect to bonus payable for the accounting year commencing on any day in the year 1984 and that the eligibility limit for payment of bonus contained in the definition of "employee" in the Act should be suitably raised.

2. With a view to making available the benefit of the Payment of Bonus (Amendment) Act, 1985 in respect of the accounting year commencing on any day in the year 1984 in relation to employees in all factories or establishments to which the Payment of Bonus Act, 1965 applies, the President promulgated on the 27th September, 1985, in view of the impending festival season, the Payment of Bonus (Amendment) Ordinance, 1985. After the promulgation of the aforementioned Ordinance, Government decided that the eligibility limit for the payment of bonus, as provided for in the definition of "employee" in the Payment of Bonus Act, 1965, should be raised from Rs. 1600 to Rs. 2500, subject to the condition that the bonus payable to an employee drawing salary or wages exceeding Rs. 1600 per mensem, shall be calculated as if his salary or wages were Rs. 1600 per mensem. It was also decided to make these changes applicable in respect of the bonus payable under the Act for the accounting year commencing on any day in the year 1984 and every subsequent accounting year. Accordingly, the President promulgated on the 7th November, 1985, in view of the impending festival season, the Payment of Bonus (Second Amendment) Ordinance, 1985.

3. The Bill seeks to replace the aforesaid Ordinances.

NEW DELHI;
The 18th November, 1985.

T. ANJAJAH,
SUBHASH C. KASHYAP,
Secretary-General.